

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-22 are in the application. Claims 1, 6, 11, and 16-18 have been amended. No new matter has been added.

The Examiner objected to claims 1 and 11 for informalities. Applicant has amended claims 1 and 11 accordingly.

The Examiner rejected claims 1-2 and 4 under 35 USC §102 as being anticipated by Pichler et al. Claims 16-17 are rejected under 35 USC §102 as being anticipated by Skopek. Claim 3 is rejected as being unpatentable over Pichler. Applicant respectfully traverses.

As can be seen from the amended claims, the guiding and centering projections are now defined as being continuous. Support for this amendment can be found on page 16, line 11 to 13 of the specification. Contrary to this, ribs 9 of Pichler et al. - due to the different purpose - extend only over a portion of the length of insertion of the ink pad container 3 (see column 2,

lines 15-17), whereas the present projections 26 provides secure guidance and centering over the entire length of the insertion compartment 3. Since the ribs 9 of Pichler et al. are provided to prevent foreign ink pad containers from being inserted, the ribs constitute a "barrier" for foreign ink pad containers which do not have a groove in the specific position. Therefore, there is no need to provide ribs extending over the entire length of the receiving shaft 8 at the stamp of Pichler et al.

The claims have also been amended to recite that the projections are on lateral side walls, and the guiding and centering projections 26 define a precise guiding during insertion of the ink pad container 4.

Claim 16 has been amended to conform to the amendments made to claim 1. In addition, the orientation of the recesses 27 ("in use horizontally arranged") has been added. Support for this amendment can be found in Figs. 4, 5 and 8 of the present application. In contrast, the notches or grooves on the side surface of the dye carrier 31 according to Skopek are unmistakably in the vertical direction so as to provide a "snap-in" engagement of the dye carrier 31 in its compartment.

However, the vertical notches on the dye carrier 31 are not specified in the description of Skopek.

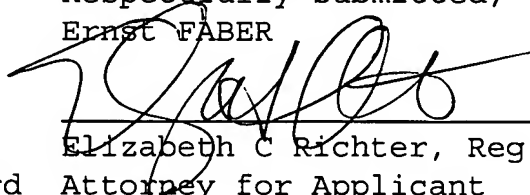
The ink pad container 3 of the stamp according to Pichler et al. discloses two grooves 7 arranged on its upper surface and two ribs 9 provided on the upper side of the receiving shaft 8. The grooves 7 and ribs 9 provide a form fit closure. This can unambiguously be seen from the figs. 1 - 5 of Pichler. Interpreting this disclosure to mean that the ribs 9 may also be positioned on the opposite sides of the receiving shaft 8 does not make sense, because the object and the purpose of the rib-groove-arrangement of the stamp of Pichler et al. is to prevent the insertion of a foreign ink-pad container.

Neither Pichler et al. nor Skopek disclose continuous guiding and centering projections 26 provided on two lateral opposite sides of the insertion compartment 3 as well as corresponding recesses 27 along the length of two opposite lateral side walls of the ink pad container 4, namely in the horizontal direction. Thus, the amended claims are patentable over the cited references.

The Examiner also rejected claims 1-4 and 7-15 on the basis of non-statutory-type double patenting as being unpatentable over claims 1-4, 8-9 and 17 of co-pending Application Serial No. 10/548,745 in view of Pichler, and rejected claims 16-17 on the same grounds, as being unpatentable over claim 17 of co-pending Application Serial No. 10/548,745 in view of Skopek. Applicant submits herewith a terminal disclaimer, disclaiming that portion of the term of any patent issuing on the present application, that would extend beyond the term of any patent issuing on U.S. Patent Application Serial No. 10/548,745.

Accordingly, Applicant submits that claims 1-22 as amended are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
Ernst FABER

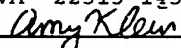


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